

RCE/1600
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Request
For
Continued Examination (RCE)
Transmittal

Address for
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P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/656,309	AUG 06 2003
Filing Date	September 6, 2000	
First Named Inventor	Walter Callen et al.	TECH CENTER 1600/2900
Group Art Unit	1652	#21
Examiner Name	Richard Hutson, Ph.D.	POST
Attorney Docket Number	09010-027003	8-5-03

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. §1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s)
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendment filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/Declaration(s)
- iv. ☐ Other _____
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. §1.17(i) required)
- b. ☐ Other _____
3. **Fee** The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. §1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 06-1050
- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Other Any deficiencies
- b. ☒ Check in the amount of \$ 375 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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375.00 OP

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED

Name (Print/Type)	Gregory P. Einhorn	Registration No. (Attorney/Agent)	38,440
Signature		Date	July 31, 2003

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Jeanne Amour-Rice	Date	July 31, 2003
Signature			



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Dmt
8-15-03
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AUG 06 2003

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Walter Callen et al.

Art Unit : 1652

Serial No. : 09/656,309

Examiner : Richard Hutson, Ph.D.

Filed : September 6, 2000

Title : ENZYMES HAVING HIGH TEMPERATURE POLYMERASE ACTIVITY AND METHODS OF USE THEREOF

MAIL STOP RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE AND AMENDMENT

Sir:

Responsive to the final Office Action mailed April 17, 2003, Applicants respectfully request entry of the amendments and consideration of the remarks set forth herein. A response was initially due July 17, 2003. Applicants herein submit a petition for a one month extension of time to August 17, 2003, under 37 C.F.R. §1.136, with the appropriate fee under 37 C.F.R. §1.17. Accordingly, this Response is timely filed.

This response is accompanied by a request for continued examination (RCE) under 37 C.F.R. §1.114. Thus, the finality of the outstanding final office action will be withdrawn and Applicants are entitled to have this first submission for this RCE entered and considered on the merits.

Amendment to the claims are reflected in the listing of claims which begin on page 3 of this paper.

Remarks begin on page 10 of this paper.

The following documents are also enclosed herewith:

- Transmittal letter, check and Petition for Extension of Time;

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

July 31, 2003

Date of Deposit

Signature

Jeanne Amour-Rice

Jeanne Amour-Rice

Typed or Printed Name of Person Signing Certificate

Applicant : Walter Callen et al.
Serial No. : 09/656,309
Filed : September 6, 2000
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Attorney's Docket No.: 09010-027003 / DIVER1350-2

- Request for continued examination under 37 C.F.R. §1.114 and \$375 fee;
- Exhibit A (USPTO guidelines);
- Exhibit B (selected claims from US patents);
- Exhibit C (selected claims from US patents);
- Exhibit D, Rule 132 declaration by Dr. Walter Callen, with CV of Dr. Callen;
- Postcard.